

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

VANDA PHARMACEUTICALS INC.)
)
Plaintiff,)
) C.A. No. 15-919-GMS
v.)
)
ROXANE LABORATORIES, INC.,)
)
Defendant.)

**UNOPPOSED MOTION TO SUBSTITUTE WEST-WARD PHARMACEUTICALS
INTERNATIONAL LIMITED AND WEST-WARD PHARMACEUTICALS CORP.
FOR ROXANE LABORATORIES, INC.**

Pursuant to Rule 25(c) of the Federal Rules of Civil Procedure, Defendant Roxane Laboratories, Inc. (“Roxane”), by and through its undersigned counsel, hereby moves the Court for an order substituting Roxane with new defendants West-Ward Pharmaceuticals International Limited (“WWPIL”) and West-Ward Pharmaceuticals Corp. (“West-Ward Pharms. Corp.”) in the above-referenced action. In support therefore, Roxane states as follows:

1. On October 13, 2015, Plaintiff Vanda Pharmaceuticals Inc. (“Vanda”) filed an action (C.A. No. 15-919) against Roxane, alleging patent infringement relating to Roxane’s filing of an ANDA seeking approval to market a generic version of Vanda’s Iloperidone[®] tablet product (“Iloperidone ANDA”).
2. Roxane represents that on February 29, 2016, Hikma Pharmaceuticals PLC (“Hikma”) acquired Roxane. Roxane further represents that ownership of the Iloperidone ANDA (No. 205480, Iloperidone Tablets, 1 mg, 2 mg, 4 mg, 6 mg, 8 mg, 10 mg and 12 mg), has been transferred from Roxane to WWPIL, a subsidiary of Hikma, effective December 1, 2016. Roxane also represents that the U.S. agent of record for the Iloperidone ANDA is West-Ward Pharms. Corp.

3. The transfer of ownership of the Iloperidone ANDA necessitates the substitution of WWPIL and West-Ward Pharm. Corp. for Roxane. WWPIL and West-Ward Pharm. Corp. do not contest the jurisdiction of the District Court for the District of Delaware for the purposes of the above-referenced actions.

4. WWPIL and West-Ward has agreed to be bound, effective immediately, by the Stipulated Protective Order dated June 21, 2016 in C.A. 15-919 (D.I. 27), which was So Ordered by the Court on June 22, 2016.

5. WWPIL and West-Ward represent that Roxane's responses to the parties' discovery requests directed to Roxane are deemed as though given on behalf of WWPIL and West-Ward.

6. WWPIL and West-Ward represent they will not challenge the relevance or admissibility of Roxane's documents, including Roxane's ANDA, email correspondence by or to Roxane, or other documents created by or for Roxane, on the basis that the documents are Roxane's and not WWPIL's or West-Ward's.

7. WWPIL and West-Ward represent that the testimony of Roxane's 30(b)(6) deponents related to deposition topics set forth in Vanda's July 10, 2015, Notice of Deposition of Roxane Laboratories, Inc. in C.A. No. 13-1973 (D. Del.) and Vanda's October 7, 2016, Notice of Deposition of Roxane Laboratories, Inc. in C.A. No. 15-919 (D. Del.), including the testimonies of Julie Economou and Sarah Smith, are deemed as though given on behalf of WWPIL and West-Ward. For purposes of these litigations, representations about Roxane during fact and expert discovery, including Roxane's 30(b)(6) testimony related to Roxane's ANDA, its generic iloperidone product, its proposed label for generic iloperidone, its Paragraph IV certifications and notices, and U.S. Patent Nos. 8,586,610 and 9,138,432 patents, and Roxane's knowledge,

plans, intent, and activities, if any, related to same, including knowledge of Vanda, are effectively, in all respects, representations about WWPIL and West-Ward.

8. Vanda does not oppose this request.

9. Counsel of record for Roxane also represents WWPIL and West-Ward Pharm. Corp. and is authorized by Roxane, WWPIL, and West-Ward Pharm. Corp. to effectuate this substitution.

For all of these reasons, Roxane hereby respectfully moves the Court for an order substituting current defendant Roxane Laboratories, Inc. with new defendants West-Ward Pharmaceuticals International Limited and West-Ward Pharmaceuticals Corp. in the above-referenced action and amending the caption accordingly.

Respectfully submitted,
POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Kenneth G. Schuler
LATHAM & WATKINS LLP
330 North Wabash Avenue, Suite 2800
Chicago, IL 60611
Tel: (312) 876-7700

Michelle R. Ma
LATHAM & WATKINS LLP
140 Scott Drive
Menlo Park, CA 94025
Tel: (650) 328-4600

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By: /s/ Bindu A. Palapura
David E. Moore (#3983)
Bindu A. Palapura (#5370)
Stephanie E. O'Byrne (#4446)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
sobyrne@potteranderson.com

Attorneys for Defendant Roxane Laboratories, Inc.